

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN

WELLS FARGO BANK, NA,

Case No. 2:24-cv-10241

Plaintiff,

HONORABLE STEPHEN J. MURPHY, III

v.

MICH TROY TECHNOLOGY LLC,

Defendant.

/

**RECEIVER KEVIN ENGLISH'S CONCURRENCE AND
RESPONSE TO PLAINTIFF'S MOTION FOR DEFAULT JUDGMENT**

Receiver, Kevin English R. English Lark Advisors, LLC, concurs in the Motion for Entry of Default against the Defendant in this matter for the reasons stated within Plaintiff's Motion. Receiver, however, files this Response to point out to the Court that Plaintiff is seeking to modify the terms of the Receivership Order via its request for relief that it be allowed to exercise the Assignments of Rents provision to its mortgage, thereby allowing Plaintiff to collect rent instead of the Receiver.

This request for relief conflicts with the Order Appointing Receiver, and it would effectively modify the Receivership Order if granted. To wit, the Receivership Order provides that:

IT IS FURTHER ORDERED THAT THE Receiver shall take immediate and exclusive possession, custody and control over all of the Receivership Assets, subject to validly existing liens and security interests, mortgages,

leases, and/or rental agreements, including, but not limited to, the real and personal property relating to the Defendant's business operations and all monies therefrom, all fixtures, inventories, accounting books, records of whatever nature and wherever located, all assets receivables, accounts, deposits and profits, whether in the possession of the Defendant or any other person. The Receiver shall be granted the powers and authority usually held by receivers and reasonably necessary to accomplish the purposes of the Receivership, including, but not necessarily limited to the following. . .

- b) To assume responsibility of the Defendant's business operations during the pendency of the receivership;
- c) To collect the earnings, income, receipts, accounts receivable, revenues, issues, and profits which are now or hereafter may be due from the operation of any business connected with the Receivership Assets and improvements thereon. . .

Receiver has been collecting the rents pursuant to the direction and authority provided in the Order of Receivership. To the extent Plaintiff seeks to modify this Order, a Motion requesting the same is the appropriate avenue for such a request.

To be clear, the Receiver does not object to the Default Judgment being entered against Defendant, but wanted the Court to be aware of the contradiction the relief requested would create if granted with the Order Appointing Receiver this Court has entered.

McDonald Hopkins PLC

By: /s/Michael G. Latiff
Michael G. Latiff (P51263)
39533 Woodward Avenue, Suite 318
Bloomfield Hills, MI 48304
(248) 220-1351
mlatiff@mcdonaldhopkins.com
Attorneys for Court Appointed

Dated: April 23, 2024

Receiver, Kevin English

CERTIFICATE OF SERVICE

I hereby certify that on April 23, 2024 I electronically filed the foregoing document with the Clerk of the Court using the E-Filing System, which will send notification of such filing to all counsel of record.

McDonald Hopkins PLC

By: /s/Michael G. Latiff
Michael G. Latiff (P51263)
39533 Woodward Avenue, Suite 318
Bloomfield Hills, MI 48304
(248) 220-1351
mlatiff@mcdonaldhopkins.com
*Attorneys for Court Appointed
Receiver, Kevin English*

Dated: April 23, 2024